

LARRY JEROME WILLIAMS JR.)
)
Plaintiff,)
)
v.)
)
RON MOORE; HOWARD McGLOHON;)
DENNIS WINNERS)
)
Defendants.)
)

under 42 U.S.C. § 1983. Defense attorneys, whether privately retained or publically appointed, are not amenable to suit under § 1983. See Polk County v. Dodson, 454 U.S. 312, 325 (1981) (recognizing that state paid public defender representing a criminal defendant occupied a sufficiently independent and adversarial role to the state such that he did not act under color of state law); Bryant v. N.C. Prisoner Legal Servs. Inc., 1 F.3d 1232 (4th Cir. 1993) (unpublished table decision) (“NCPLS and its attorneys are not state actors amenable to suit under 42 U.S.C. § 1983.”). Attorney McGlohon is therefore dismissed. Next, Judge Winners and District Attorney Moore are immune from this type of lawsuit. Stump v. Sparkman, 435 U.S. 349, 356-357 (1978); Chu v. Griffith, 771 F.2d 79, 81 (4th Cir. 1985); see also, Imbler v. Patchman, 424 U.S. 409, 430-31 (1976); Kalina v. Fletcher, 522 U.S. 118, 127 (1997).

For the reasons stated above, Plaintiff’s Complaint is dismissed for failure to state a claim for relief. Moreover, the Defendants named are either not amenable to suit under §1983 or are immune from suit under §1983.

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff’s Complaint is Dismissed for failure to state a claim for relief.

SO ORDERED.

Signed: November 7, 2006



Graham C. Mullen
United States District Judge



